

Assembly Bill No. 1824

CHAPTER 812

An act to add Section 1305.6 to the Penal Code, relating to bail.

[Approved by Governor September 30, 2012. Filed with
Secretary of State September 30, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1824, Hagman. Bail.

Existing law specifies the procedures for the forfeiture and exoneration of a bail bond, including requiring a court to direct the order of forfeiture to be vacated and the bond exonerated if the defendant appears in court within 180 days of the date of forfeiture or within 180 days of the date of mailing of a specified notice, if required. Existing law requires a court to vacate the forfeiture and exonerate the bond if the defendant is arrested on the underlying case or surrendered by the bail outside the county where the case is located.

This bill would authorize a court, in its discretion, to vacate the forfeiture and exonerate the bond if a person appears in court after the 180-day period ends if the person was arrested on the same case within the county where the case is located during the 180-day period and has been in continuous custody from the time of arrest until his or her appearance in court. The bill would authorize, upon showing of good cause and within 20 days from the mailing of notice of entry of judgment, the filing of a motion to vacate the forfeiture and exonerate the bond where the defendant is secured outside the county where the case is filed, as provided above. The bill would require written notice to the prosecuting agency at least 10 court days before a hearing regarding either of these motions.

The people of the State of California do enact as follows:

SECTION 1. Section 1305.6 is added to the Penal Code, to read:

1305.6. (a) If a person appears in court after the end of the 180-day period specified in Section 1305, the court may, in its discretion, vacate the forfeiture and exonerate the bond if both of the following conditions are met:

- (1) The person was arrested on the same case within the county where the case is located, within the 180-day period.
- (2) The person has been in continuous custody from the time of his or her arrest until the court appearance on that case.

(b) Upon a showing of good cause, a motion brought pursuant to paragraph (3) of subdivision (c) of Section 1305 may be filed within 20 days from the mailing of the notice of entry of judgment under Section 1306.

(c) In addition to any other notice required by law, the moving party shall give the applicable prosecuting agency written notice of the motion to vacate the forfeiture and exonerate the bond under this section at least 10 court days before the hearing.